

Exhibit 8

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
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3 MOSES STRAUSS, et al.,
4 Plaintiffs,

5 -against-

6 CREDIT LYONNAIS, S.A.,
7 Defendants.

-----x
8 BERNICE WOLF, et al.,

9 Plaintiffs,

10 -against-

11 CREDIT LYONNAIS, S.A.,
12 Defendants.

-----x

13
14 One Liberty Plaza
New York, New York

15
16 September 1, 2010
9:27 a.m.

17
18 Videotaped Deposition of Expert
19 Witness, MATTHEW LEVITT, before Shari Cohen,
20 a Notary Public of the State of New York.

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22
23 ELLEN GRAUER COURT REPORTING CO. LLC
24 126 East 56th Street, Fifth Floor
New York, New York 10022
25 212-750-6434
REF: 93800

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24 ALSO PRESENT:

25 DAN MACOM, Videographer

1 LEVITT

2 technically a state of war. Hamas is not a
3 sovereign state, etc., etc., etc., but there
4 is an on going --

5 Q. They shoot bullets at each
6 other?

7 A. Unfortunately Hamas shoots more
8 than bullets and Israel responds. There is a
9 conflict.

10 Q. Israel shoots --

11 MR. GLATTER: Were you finished
12 with your answer?

13 A. I don't remember anymore so go
14 ahead and ask your question.

15 Q. Israel shoots more than bullets
16 also?

17 A. Sure.

18 Q. So we'll use -- is conflict
19 okay for describing this mutual exchange of
20 ammunition?

21 A. Yes and involves more than just
22 Hamas, there's other parties involved too.
23 May it all end speedily in our day.

24 Q. I hope so, I really do. The
25 Palestinian authority has conflicts with

1 LEVITT

2 Hamas?

3 A. The Palestinian authority has
4 and is today in a different type of conflict
5 with Hamas. It also at times has been hand
6 and glove with Hamas. At times cooperating
7 and participating in violence and at times
8 politically cooperating, but most of the time
9 in their history and in recent history, by
10 recent history I mean things beyond the time
11 period involved here, there has been
12 particularly acute conflict with the exchange
13 of ammunition you described between elements
14 of the Fatah led Palestinian authority now
15 dominating the West Bank and Hamas dominating
16 the Gaza Strip.

17 Q. When speaking to Israeli
18 sources, what do you do to determine that
19 they are not giving you opinions based on
20 their own self interest of saying things
21 which might be disadvantageous to Hamas?

22 MR. GLATTER: Objection as to
23 form.

24 A. There really is nothing I can
25 do. Well, there's very little I can do when

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interviewing anybody whether it's a Hamas guy or an Israeli to prevent them from saying or not saying something. You develop interview skills, you try to move the interview in a certain direction, but the other -- the issue is they will share information with you, some of it is stuff they want you to hear and to use, some maybe if you are a good interviewer they were not inclined to share but you got it out of them and then you need to go and engage in the vetting process.

You hopefully -- I certainly have collected documents and conducted other interviews and collected a body of information against which you can measure and I have had instances, many, many instances on every conceivable side of this conflict where I have procured information through interviews that I have not used because it was entirely unverifiable including didn't fit into the body of existing knowledge, etc. and sometimes there will be information that you cannot verify this anecdote, you can't, they clearly got it from methods I'll never

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(Record read.)

MR. GLATTER: Objection to

form. I appreciate you're expediting
the deposition, but you were speaking
kind of fast so objection as to form.
You may answer.

A. Yes.

Q. When you state in your first
sentence what's written there that funds
supporting any part of Hamas free up existing
monies to support its terrorist activities,
could you explain to me what you mean by
that?

A. There is this idea that's
sometimes described as principal of
fungibility of funds so if you provide me \$10
for whatever, it theoretically frees up \$10
that I have for something else. In the case
of a group like Hamas that's engaged in
social welfare activities and is also engaged
in political activities and is also engaged
in military and terrorist activities, if you
provide sums of money to the overt parts of
the organization which is the social welfare

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or da'wa side and the political side, that may free up money that the organization can then spend on its covert illicit activities such as the terrorism and military activities and this is something that's -- that's a good answer.

Q. When you say funds supporting any part of Hamas, included within Hamas do you include the entire Hamas da'wa?

A. That's part of Hamas.

MR. GLATTER: Objection to form.

Q. As you defined it?

A. That's part of Hamas.

MR. GLATTER: Withdraw the objection. Thank you.

Q. So if an entity that fundraises for Hamas receives a contribution, in your opinion that would free up money for terrorist activities by Hamas's military arm?

MR. GLATTER: Objection as to form and to the extent as phrased the question is hypothetical. It's an incomplete hypothetical. You may

1 LEVITT

2 answer.

3 A. I just want to clarify because
4 I think we may be mixing. When we were
5 talking a second ago about the da'wa which
6 generally refers to the charities and social
7 service organizations within the territories,
8 the way the last question was phrased it
9 could be interpreted as referring to some of
10 the charities that support Hamas outside.

11 Q. Let me clarify, within the
12 territories?

13 A. Forgive me, repeat or read back
14 the original question.

15 Q. Sure. If an entity within the
16 territories that fundraises for Hamas
17 receives a contribution, in your opinion
18 would that necessarily free up money for
19 terrorist activity by Hamas military arms
20 under the theory of fungibility?

21 A. The theory of fungibility is
22 that it could, it doesn't assert that you
23 necessarily know that it does, A. B, the way
24 the question is asked it presumes that the
25 entities that are raising money for Hamas are

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separate and apart from the other elements,
it's as if the fundraising happens here by
some entity that's raising funds for Hamas
over here and in fact with the 12 we're
talking about and others, it's messier than
that. They will be raising funds, they will
be receiving funds even more often. Some of
these will provide funds that they received
then on to other charity committees.
Certainly for the 12 we're talking about and
generally as a statement as it happened, yes.

Q. If I could ask you to look at
page 13. I unfortunately have a slightly
mixed up version of your original report and
supplemental report on the first pages so if
the page numbers are wrong let me know?

A. We'll figure it out.

MR. GLATTER: Do you want to
use one of our copies of the exhibit?

MR. LUFT: No, I'm using this
one because I wrote on it. I have a
clean copy, but thank you.

MR. GLATTER: Understood.

Q. Do you see the sentence Hamas

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deems legitimate the mingling of these funds,
as it considers the social services it
provides a jihadist extension of its
terrorist attacks?

A. Yes.

Q. What do you mean by mingling of
these funds?

A. The intentional -- it's not
like there are separate accounts or separate
entities where money is collected for and
stored for education or health clinics or uzi
submachine guns, etc. By muddying the waters
or mingling the funds together Hamas does
itself a great benefit or multiple benefits.
It's a brilliant strategy and they certainly
see it as legitimate to do this to mingle the
funds.

Q. You say that not having
separate accounts, each of the 12 entities
had its own bank accounts, correct?

A. I assume.

Q. Do you know if they had their
own bank accounts?

A. I recall from the accounting

1 LEVITT

2 report, what's his name that we referred to
3 earlier?

4 MR. GLATTER: Geisser.

5 A. Thank you, that there were
6 specific accounts, I don't know if it was one
7 or more, but yes, they each have accounts.

8 Q. Those were not Hamas accounts,
9 those were accounts in the name of each of
10 the 12 entities, correct?

11 MR. GLATTER: Objection as to
12 form.

13 A. You pitched your voice at the
14 end and added a correct question mark at the
15 end, but I would say it's more of a statement
16 than a question. Again, none of these 12
17 have a Hamas shingle outside. I don't think
18 that means they are not part of Hamas and I
19 would argue that giving funds to these
20 charities is giving funds to Hamas.

21 Q. But when you say they don't
22 have separate accounts for uzis verses
23 medical or kindergarten, each of these
24 entities in fact did have a separate bank
25 account for itself, correct?